

By: Huffman, Zaffirini

S.B. No. 312

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the punishment for the criminal offense of improper  
3 sexual activity with a person in custody; increasing a criminal  
4 penalty.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 39.04(b), Penal Code, is amended to read  
7 as follows:

8 (b) An offense under Subsection (a)(1) is a Class A  
9 misdemeanor. An offense under Subsection (a)(2) is a ~~[state jail~~  
10 ~~felony, except that an offense under Subsection (a)(2) is a]~~ felony  
11 of the second degree ~~[if the offense is committed against:~~

12 ~~[(1) an individual in the custody of the Texas Juvenile~~  
13 ~~Justice Department or placed in a juvenile facility; or~~

14 ~~[(2) a juvenile offender detained in or committed to a~~  
15 ~~correctional facility].~~

16 SECTION 2. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense occurred  
23 before that date.

24 SECTION 3. This Act takes effect September 1, 2021.